

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL E. BURKHART,

Plaintiff,

v.

CRAWFORD COUNTY  
CORRECTIONAL FACILITY, et al.,

Defendants.

Civil Action No. 05-238 Erie

**MEMORANDUM JUDGMENT ORDER**

\_\_\_\_\_ Plaintiff's civil rights complaint was received by the Clerk of Court on August 15, 2005 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's Report and Recommendation [35], filed on November 20, 2007, recommends that the Defendants' motion for summary judgment [27] be granted. The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Plaintiff by certified mail at the State Regional Correctional Facility at Mercer, where he is incarcerated, and on the Defendants. No objections were filed. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 4<sup>th</sup> day of January, 2008;

IT IS HEREBY ORDERED that the Defendants' motion for summary judgment [27] is GRANTED. JUDGMENT is hereby entered in favor of the Defendants and against Plaintiff, Michael E. Burkhardt.

The Report and Recommendation of Chief Magistrate Judge Baxter, dated November 20, 2007 [35], is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin  
United States District Judge

cc: all parties of record  
Chief U.S. Magistrate Judge Baxter